**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF TEXAS**
**MARSHALL DIVISION**

| | | |
|---|---|---|
| NAV-TV, CORP., | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| vs. | § | C.A. No. 2:15-cv-01467-JRG-RSP |
| | § | |
| AUDIONICS SYSTEM, INC. d/b/a CRUX INTERFACING SOLUTIONS AND CARAUDIO-SYSTEMS VERTRIEBS GMBH, | § | JURY TRIAL DEMANDED |
| | § | |
| Defendants. | § | |

**PLAINTIFF NAV-TV, CORP.'S ANSWER AND AFFIRMATIVE DEFENSES TO AUDIONICS SYSTEM, INC. D/B/A CRUX INTERFACING SOLUTIONS' COUNTERCLAIMS TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

Plaintiff and Counterclaim Defendant NAV-TV, Corp. ("NAV-TV") files this Answer and Affirmative Defenses to the Counterclaims asserted by Audionics System, Inc. d/b/a Crux Interfacing Solutions ("Crux" or "Counterclaim Plaintiff").

**COUNTERCLAIMS**

26. Admitted.

27. The allegations contained in paragraph 27 of Counterclaim Plaintiff's Counterclaims constitute a conclusion of law, to which no response is required.

28. The allegations contained in paragraph 28 of Counterclaim Plaintiff's Counterclaims constitute a conclusion of law, to which no response is required. To the extent that an answer is required, denied.

29. Admitted.

30. Admitted.

**COUNT 1-DECLARATORY JUDGMENT OF INVALIDITY OF U.S. PATENT NO. 7,917,261**

31. Counterclaim Defendant repeats and realleges each and every response to the allegations set forth in paragraphs 26 through 30 above, the contents of which are incorporated herein by reference.

32. The allegations contained in paragraph 32 of Counterclaim Plaintiff's Counterclaims constitute a conclusion of law, to which no response is required.

33. The allegations contained in paragraph 33 of Counterclaim Plaintiff's Counterclaims constitute a conclusion of law, to which no response is required. To the extent that an answer is required, denied.

34. Denied.

35. Denied.

**COUNT 2-DECLARATORY JUDGMENT OF INVALIDITY OF U.S. PATENT NO. 8,103,407**

36. Counterclaim Defendant repeats and realleges each and every response to the allegations set forth in paragraphs 26 through 35 above, the contents of which are incorporated herein by reference.

37. The allegations contained in paragraph 37 of Counterclaim Plaintiff's Counterclaims constitute a conclusion of law, to which no response is required.

38. Counterclaim Defendant lacks sufficient information to admit or deny. To the extent that an answer is required, denied.

39. Denied.

40. Denied.

## COUNT 3-DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF U.S. PATENT NO. 7,917,261

41. Counterclaim Defendant repeats and realleges each and every response to the allegations set forth in paragraphs 26 through 40 above, the contents of which are incorporated herein by reference.

42. The allegations contained in paragraph 42 of Counterclaim Plaintiff's Counterclaims constitute a conclusion of law, to which no response is required.

43. Counterclaim Defendant lacks sufficient information to admit or deny. To the extent that an answer is required, denied.

44. Denied.

45. Denied.

## COUNT 4-DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF U.S. PATENT NO. 8,103,407

46. Counterclaim Defendant repeats and realleges each and every response to the allegations set forth in paragraphs 26 through 45 above, the contents of which are incorporated herein by reference.

47. The allegations contained in paragraph 47 of Counterclaim Plaintiff's Counterclaims constitute a conclusion of law, to which no response is required.

48. Counterclaim Defendant lacks sufficient information to admit or deny. To the extent that an answer is required, denied.

49. Denied.

50. Denied.

## AFFIRMATIVE DEFENSES

### First Affirmative Defense

Counterclaim Plaintiff's Counterclaim, on one or more counts set forth therein, fails to state a claim upon which relief can be granted.

### Second Affirmative Defense

Counterclaim Plaintiff's equitable claims are barred, in whole or in part, by reason of unclean hands.

### Third Affirmative Defense

Counterclaim Plaintiff's Counterclaim, on one or more counts set forth therein, is barred, in whole or in part, by laches.

### Fourth Affirmative Defense

Counterclaim Plaintiff's Counterclaim, on one or more counts set forth therein, is barred, in whole or in part, by the doctrines of waiver, acquiescence and estoppel.

## RESERVATION OF RIGHTS

Counterclaim Defendant reserves the right to assert additional affirmative defenses if such defenses are discovered during the course of this litigation.

**WHEREFORE**, Counterclaim Defendant NAV-TV respectfully demands judgment against Counterclaim Plaintiff Crux dismissing the Counterclaims in their entirety and for such other relief, not inconsistent herewith, as may be just, equitable, proper, together with the costs and attorneys' fees of this action.

Dated: January 28, 2016

Respectfully submitted,

Andy Tindel w/ permission of Lead Attorney

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*Attorneys for Plaintiff NAV-TV, CORP.*

## CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 28th day of January, 2016, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

Andy Tindel

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